

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CLINT PHILLIPS, III,)	
)	
Plaintiff,)	
v.)	No. 4:24-cv-00012-SEP
)	
OFFICER UNKNOWN SPRAGGINS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Before the Court is pro se Plaintiff Clint Phillips, III's, Complaint, Doc. [1]. The Complaint is defective because it was not drafted on the Court-provided form for such actions. *See* E.D. Mo. L.R. 2.06(A) ("All actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms where applicable."). In addition, Plaintiff has neither paid the \$405 filing fee nor filed a motion for leave to proceed *in forma pauperis*.¹ Because Plaintiff is a self-represented litigant, the Court will allow him twenty-one (21) days from the date of this Order to file an amended complaint on the Court-provided form and to file either a motion to proceed *in forma pauperis* or pay the Court's filing fee in full.

Plaintiff is warned that the filing of an amended complaint replaces his original pleading, so Plaintiff must include all the claims he wishes to pursue in the amended complaint. *See, e.g., In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005). Plaintiff's allegations may not be conclusory. Plaintiff must plead facts that show how all defendants are personally involved in or directly responsible for the alleged harm. If Plaintiff wishes to sue a defendant in his or her individual capacity, Plaintiff must specifically say so in the amended complaint. If Plaintiff fails to sue a defendant in his or her individual capacity, this action may

¹ A motion for leave to proceed *in forma pauperis* should be filed on a Court-provided form accompanied by a certified copy of Plaintiff's inmate account statement for the six-month period immediately preceding the filing of the Complaint. *See* 28 U.S.C. § 1915(a)(2). Alternatively, Plaintiff may pay the full \$405 filing fee. A review of the Court's files shows that Plaintiff has brought at least three civil actions that were dismissed on grounds of frivolousness, maliciousness, or failure to state a claim upon which relief may be granted. *See Phillips v. St. Louis City Police Officers*, No. 4:17-cv-1637-HEA (E.D. Mo. Jan. 10, 2018); *Phillips v. Romeo*, No. 4:17-cv-1636-NAB (E.D. Mo. Aug. 4, 2017); *Phillips v. City of St. Louis*, No. 4:11-cv-791-CEJ (E.D. Mo. May 19, 2011). Therefore, the Court cannot permit Plaintiff to proceed *in forma pauperis* unless he "is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Nothing in the Complaint indicates that Plaintiff is under imminent danger.

be subject to dismissal as to that defendant. All of Plaintiff's claims should be clearly set forth in the "Statement of Claim."

If Plaintiff fails to file an amended complaint on the Court-provided form within twenty-one (21) days and in compliance with the Court's instructions, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall mail to Plaintiff two blank Prisoner Civil Rights Complaint forms. Plaintiff may request additional forms as needed.

IT IS FURTHER ORDERED that the Clerk of Court shall mail to Plaintiff a copy of the Court's Application to Proceed in District Court Without Prepaying Fees or Costs.

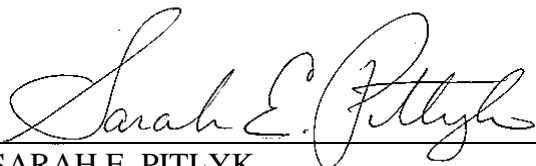
IT IS FURTHER ORDERED that, within **twenty-one (21) days** of the date of this Order, Plaintiff shall file an amended complaint on the Court-provided form and in compliance with the Court's instructions.

IT IS FURTHER ORDERED that, within **twenty-one (21) days** of the date of this Order, Plaintiff shall either pay the filing fee or submit a completed Application to Proceed in District Court Without Prepaying Fees or Costs. If Plaintiff files a motion to proceed *in forma pauperis*, he shall also submit a certified copy of his inmate account statement for the six-month period immediately preceding the filing of the Complaint.

IT IS FURTHER ORDERED that if Plaintiff fails to file a motion to proceed *in forma pauperis*, along with his account statement, within twenty-one (21) days of the date of this Order, he is responsible for paying the \$405 filing fee.

IT IS FURTHER ORDERED that Plaintiff's failure to timely comply with this Order shall result in the dismissal of this action, without prejudice and without further notice.

Dated this 1st day of February, 2024.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE